

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

MATTHEW ALLISON, individually, and  
TIM NAY as the Personal Representative for  
the ESTATE OF SARA E. ALLISON,

Plaintiffs,

vs.

SMOOT ENTERPRISES, INC., dba Smoot  
Brothers Transportation; JAMES DECOU;  
HORIZON TRANSPORT, INC., and  
JONATHAN HOGABOOM,

Defendants.

Case No. 2:17-cv-01598-SU

JUDGMENT

SULLIVAN, Magistrate Judge.

This action was tried by a jury, from April 30, 2019, to May 10, 2019, with the Honorable Magistrate Judge Patricia Sullivan presiding, upon the personal injury claims of Plaintiff Matthew Allison, and upon the wrongful death claims of Plaintiff Tim Nay as the Personal Representative for the Estate of Sara E. Allison, and the jury rendered its verdict on May 10, 2019.

Pursuant to a pretrial Covenant Not to Enforce Judgment (“Covenant”) between Plaintiffs Matthew Allison and Tim Nay, as the Personal Representative for the Estate of Sara E. Allison, (“Plaintiffs”) and Defendants Smoot Enterprises, Inc., and James Decou (“Smoot Defendants”), Plaintiffs agreed that in return for a payment to Plaintiffs of \$1,000,000, the Smoot Defendants would be entitled to a judgment of dismissal with prejudice.

In accordance with the verdict and the Covenant,

IT IS ORDERED AND ADJUDGED THAT

The claims against the Smoot Defendants are dismissed with prejudice.

Plaintiff Matthew Allison shall recover from Defendants Horizon Transport, Inc., and Jonathan Hogaboom (“Horizon Defendants”) \$7,600,000 in compensatory damages, less an offset of \$450,000 reflecting payment from the Smoot Defendants, for a total of \$7,150,000 in compensatory damages.

Plaintiff Tim Nay, as the Personal Representative for the Estate of Sara E. Allison, shall recover from the Horizon Defendants \$12,383,463 in compensatory damages, less an offset of \$450,000 reflecting payment from the Smoot Defendants, for a total of \$11,933,463 in compensatory damages.

Plaintiffs, and the Oregon Department of Justice as judgment creditor, shall recover from the Horizon Defendants \$5,000,000 in punitive damages.

Plaintiffs shall be entitled to their costs as determined pursuant to Federal Rule of Civil Procedure 54.

Post-judgment interest at the rate of 2.21% per annum shall accrue on the foregoing amounts from the date of entry of this judgment until paid.

IT IS SO ORDERED.

DATED this 4<sup>th</sup> day of June, 2019.

/s/ Patricia Sullivan  
PATRICIA SULLIVAN  
United States Magistrate Judge